IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURA BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

WA.No. 2401 of 2007

AGAINST THE JUDGEMENT IN WPC.27757/2007 Dated 27/09/2007
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APPELLANT/PETITIONER

COLLINS.A.L.,
AGED 23 YEARS, S/O LATE ALFRED,
VALIYAVILA HOUSE,
VENGANOOR DESOM, THIRUVANANTHAPURAM.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENT/RESPONDENT

THE COMMISSIONER OF ENTRANCE EXAMINATIONS,
THIRUVANANTHAPURAM.

BY SR.GOVERNMENT PLEADER SMT.MEERA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 05/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.No.2401 of 2007

Dated, this the 5th day of October, 2007

JUDGMENT

H.L.Dattu, C.J.

Facts in detail are narrated by the learned Single Judge while disposing of the writ petition. Repetition of those facts, once over again, may not be necessary.

2. The learned Single Judge while rejecting the writ petition has primarily relied upon the observations made by the Division Bench of this Court in the cases of *Sainulabdin* v. *State of Kerala* (1995 (2) KLT 629) and *Simi Ra*j v. *Commissioner for Entrance Examinations* (1999 (3) KLT 773).

3. The learned counsel appearing for the appellant has brought to our notice a decision rendered by a Division Bench of the Madras High Court in the case of *V.Premanand* v. *The State of Tamil Nadu and others* (AIR 1995 Mad.316).

4. In our view, the law declared by the Division Bench of this Court is binding on us. But the decision rendered by any other High Court will have only persuasive value and by no stretch of imagination it can be said that the said decision can be binding on us.

5. In the instant case, as we have already stated, the learned Single Judge while disposing of the writ petition has rightly relied upon the ruling of this Court. Therefore, we do not see any error in the order passed by the

learned Single Judge which would call for our interference. Therefore, the writ appeal requires to be rejected and it is rejected.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns